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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/537,501	03/29/2000	Olli Talvitie	460-009334-US(PAR)	6906

7590

12/24/2003

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425 Post Road  
Fairfield, CT 06430

EXAMINER
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LE, DANH C

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 12/24/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/537,501

Applicant(s)

TALVITIE ET AL.

Examiner

DANH C LE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,5,8,9,12,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,5,8,9,12,14 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Priority***

Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 5, 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 2, 5, 12, the phrase "detecting means to detect the matching of the antenna by measuring a distance" it is unclear to what the term "a distance" refers to.

Dependent claims 8, 9, 14, 15 are rejected for the same reason.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 2, 5, 12 are rejected under 35 U.S.C. 102(a) as being anticipated by Masanobu (JP 11-308142).

As to claim 2, Masanobu teaches the system for matching an antenna for a wireless communication device (figure 1), characterized in that it comprises:

detecting means to detect the matching of the antenna by measuring a distance and means to generate a matching signal on the basis of the distance measurement,

control means to examine said matching signal, to determine the need for matching, and to generate a control signal on the basis of said matching signal, and

antenna matching means to adjust the matching of the antenna on the basis of said control signal (paragraph 13-20).

As to claim 5, the claim is a apparatus of claim 2; therefore, the claim is interpreted and rejected as set forth in the claim 2.

As to claim 12, the claim is a method of claim 2; therefore, the claim is interpreted and rejected as set forth in the claim 2.

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2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masanobu in view of Terk (US 5,812,066).

As to claim 8, Masanobu fails to teach the means to measure the distance comprises an infrared transmitter and receiver. Terk teaches wireless communication device according to claim 7, characterized in that said means to measure a distance comprise an infrared transmitter (col.13, lines 21-41) and an infrared receiver (col.12, line 43-col.13, line 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Terk into the system of Masanobu in order to provide enhanced system performance of the portable radio apparatus having adaptive antenna matching.

3. Claims 9, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masanobu in view of Tamura (US 5,335,638).

As to claim 9, Masanobu teaches the wireless communication device according to claim 5. Masanobu fails to teach the antenna is arranged to be placed in at least two different positions, characterized in that said detecting means comprise means to examine the position of the antenna and means to generate the matching signal on the basis of the position of the antenna. Tamura teaches the antenna (20) is arranged to be placed in at least two different positions, characterized in that said detecting means comprise means to examine the position of the antenna (20) and means to generate the matching signal on the basis of the position of the antenna (col.3, line 14-col.4, line 40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to provide the teaching of Tamura into the system of Masanobu in order to provide enhanced system performance of the portable radio apparatus having adaptive antenna matching.

As to claim 14, the limitation of the claim is the same the limitation of claim 9; therefore, the claim is interpreted and rejected as set forth in the claim 9.

As to claim 15, Tamura further teaches the wireless communication device comprising at least a keypad cover (10) arranged to be placed in at least two different positions, characterized in that said detecting means comprise means to examine the position of the keypad cover (10) and means to generate the matching signal on the basis of the position of the keypad cover (40).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 703-306-0542. The examiner can normally be reached on 8:00AM-5:00PM.

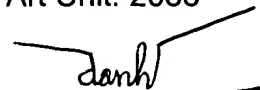
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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Danh C. Le

  
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